

AMENDED IN SENATE APRIL 13, 2005

SENATE BILL

No. 5

Introduced by Senator Morrow

(Coauthor: Senator Dutton)

(Coauthors: Assembly Members Cogdill, DeVore, and Wyland)

December 6, 2004

An act to add Section 66015.8 to the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

SB 5, as amended, Morrow. Public postsecondary education standard: Student Bill of Rights.

Existing law establishes the various segments of the public higher education system in the state. These segments include the University of California, which is administered by the Regents of the University of California, the California State University, which is administered by the Trustees of the California State University, and the California Community Colleges, which is administered by the Board of Governors of the California Community Colleges.

This bill would request the Regents of the University of California, and direct the Trustees of the California State University and the Board of Governors of the California Community Colleges, to develop guidelines and implement specified principles, relating to academic freedom, of a Student Bill of Rights.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 66015.8 is added to the Education Code, to read:

66015.8. (a) (1) The Legislature makes the following declarations and findings with respect to public institutions of higher education:

(A) The Legislature declares that the central purposes of the university are the pursuit of truth, the discovery of new knowledge through scholarship and research, the study and reasoned criticism of intellectual and cultural traditions, the teaching and general development of students to help them become creative individuals and productive citizens of a pluralistic democracy, and the transmission of knowledge and learning to a society at large.

(B) The Legislature further declares that free inquiry and free speech within the academic community are indispensable to the achievement of these goals, the freedoms to teach and to learn depend upon the creation of appropriate conditions and opportunities on the campus as a whole as well as in the classrooms and lecture halls, and these purposes reflect the values of pluralism, diversity, opportunity, critical intelligence, openness, and fairness that are the cornerstones of American society.

(C) The Legislature finds that academic freedom is most likely to thrive in an environment of intellectual diversity that protects and fosters independence of thought and speech, and that academic freedom protects the intellectual independence of professors, researchers, and students in the pursuit of knowledge and the expression of ideas from interference by legislators or authorities within the institution itself.

(D) The Legislature further declares that intellectual independence means the protection of students from the imposition of any orthodoxy of a political, religious, or ideological nature. To achieve the intellectual independence of students, teachers should not take unfair advantage of ~~a student's immaturity~~ *their position of power over a student* by indoctrinating him or her with the teacher's own opinions before a student has had an opportunity fairly to examine other opinions upon the matters in question, and before a student has sufficient

1 knowledge and ~~ripeness of judgment~~ *life experience* to be entitled
2 to form any definitive opinion of his or her own, and students
3 should be free to take reasoned exception to the data or views
4 offered in any course of study and to reserve judgment about
5 matters of opinion.

6 (b) To secure the intellectual independence of students, and to
7 protect the principles of intellectual diversity, the Regents of the
8 University of California are requested to, and the Trustees of the
9 California State University and the Board of Governors of the
10 California Community Colleges are hereby directed to, develop
11 guidelines and implement the following principles of the Student
12 Bill of Rights:

13 (1) Students shall be graded solely on the basis of their
14 reasoned answers and appropriate knowledge of the subjects and
15 disciplines they study, *attendance, class participation, and other*
16 *generally accepted grading criteria*, not on the basis of their
17 political or religious beliefs.

18 (2) Curricula and reading lists in the humanities and social
19 sciences shall respect the uncertainty and unsettled character of
20 all human knowledge in these areas, and provide students with
21 dissenting sources and viewpoints. While teachers are and should
22 be free to pursue their own findings and perspectives in
23 presenting their views, they should consider and make their
24 students aware of other viewpoints. Academic disciplines should
25 welcome a diversity of approaches to unsettled questions

26 (3) Exposing students to the spectrum of significant scholarly
27 viewpoints on the subjects examined in their courses is a major
28 responsibility of faculty. Faculty shall not use their courses or
29 their positions for the purpose of political, ideological, religious,
30 or antireligious indoctrination.

31 (4) The selection of speakers, allocation of funds for speakers'
32 programs, and other student activities shall observe the principles
33 of academic freedom and promote intellectual pluralism.

34 (5) An environment conducive to the civil exchange of ideas
35 being an essential component of a free university, the obstruction
36 of invited campus speakers, the destruction of campus literature,
37 or any other effort to obstruct this exchange shall not be
38 tolerated.

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